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Lawyer Tries to Tie CIA to My Lai Raid

Three men the defense contends are Central Intelligence Agency officials must answer questions about the murder of civilians at My Lai, a military judge rules at Ft. McPherson Tuesday.

Charles Weltner, Atlanta defense attorney for Sgt. Esquiel Torres, asked the judge to let him subpoena the three men. He said he intends "to show that it was a function of the CIA to set the whole stage for My Lai."

Weltner will defend Torres at a trial tentatively set for the Third Army headquarters here Feb. 15.

During Tuesday morning's hearing, Army attorneys reduced one of the charges against

By DIANE STEPP

the 22-year-old Brownsville, Tex., soldier from murder to assault. He is still charged with the murders of at least three Vietnamese.

In a similar hearing here Tuesday afternoon Pvt. Gerald A. Smith, 22 of Chicago, charged with murder and indecent assault at My Lai was ordered to face court-martial Jan. 25.

"With the developments of today, the whole story of My Lai will unfold," Torres' attorney said.

Weltner and Army prosecutors were also granted access to the classified Volume I of the

Peers Report which previously had been closed to them.

He identified the "Key People" he will subpoena in regard to CIA activities as James B. May, Capt. Clarence J. Dawkins and Robert Ramsdell. He said they were in charge of CIA operations in the My Lai area for Operation Phoenix — the code name for an operation which he charged included "kidnapings and assassinations" of civilian Viet Cong sympathizers.

Weltner had lost a bid to subpoena 21 other men, including CIA Director Richard Helms and Defense Secretary Melvin Laird.

Torres pleaded innocent to the charges against him during the Tuesday proceedings.

Attorneys for Pvt. Smith lost a bid to hold a hearing and attempt to prove that the U.S. government was guilty of the same misconduct for which it was prosecuting Smith.

Capt. Robert K. Raulerson, defense attorney, said Smith was "arbitrarily singled out to get the government and the Army off the hook."

Acts of brutality by soldiers and agents of the U.S. government have become policy in the war in Southeast Asia, said Raulerson.

He said many agents of the U.S. government have committed acts similar to those of which Smith is accused but the others have never been brought to court.

Smith and Torres are among nine soldiers charged with murder, rape and assault during a sweep by U.S. forces through the hamlet of My Lai in March 1968.